

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

PEAK PROPERTY AND CASUALTY
INSURANCE CORPORATION,

Plaintiff,

v.

Case No: 5:20-cv-626-JSM-PRL

STACY AMANDA CASTANEDA
MONZON, MARCO CASTANEDA
MONZON, CHRISTIAN JOVET
RIVERA, AMERICAN FINANCIAL
CARS GROUP CORP., SHANDS
TEACHING HOSPITAL AND CLINICS,
INC., FLORIDA CLINICAL PRACTICE
ASSOCIATION, and MARION
COUNTY FIRE RESCUE,

Defendants.

ORDER

THIS CAUSE came on for consideration upon the Report and Recommendation submitted by Magistrate Judge Philip R. Lammens (Dkt. 59). The Court notes that no party filed written objections to the Report and Recommendation and the time for filing such objections has elapsed.

After careful consideration of the Report and Recommendation of the Magistrate Judge in conjunction with an independent examination of the file, the Court is of the opinion that the Magistrate Judge's Report and Recommendation should be adopted, confirmed, and approved in all respects.


ACCORDINGLY, it is therefore, **ORDERED AND ADJUDGED**:

1. The Report and Recommendation (Dkt. 59) of the Magistrate Judge is adopted, confirmed, and approved in all respects and is made a part of this order for all purposes, including appellate review.
2. Peak Property's Motions for Declaratory Judgment and Default Judgment (Dkts. 37, 38, 48, 49) are **GRANTED**.
3. The Court declares that: (1) there is no bodily injury liability coverage, property damage liability coverage, personal injury protection coverage, uninsured/underinsured motorist coverage, collision coverage, comprehensive coverage, or any other coverage under the policy for any claims, losses, or damages arising from the June 17, 2020 accident because all coverages had lapsed before the accident date due to the nonpayment of the premium; (2) there is no insurance coverage under the policy for the named insured, Stacy Castaneda, for bodily injury or property damage liability coverage, personal injury protection coverage, UM coverage, collision coverage, or comprehensive coverage for the June 17, 2020 accident; (3) Peak Property has no duty to indemnify or defend Stacy Castaneda under the policy against any liability claims arising from the June 17, 2020 accident; (4) there is no personal injury protection coverage under the policy for Stacy Castaneda or her minor children, J.M.A., A.C., and M.C., in connection with the June 17, 2020 accident; (5) there is no

uninsured/underinsured motorist coverage under the policy for Stacy Castaneda or her minor children, J.M.A., A.C., and M.C., in connection with the June 17, 2020 accident; (6) there is no obligation to provide personal injury protection benefits under the policy to Shands for treatment of injuries alleged to result from the June 17, 2020 accident; (7) there is no obligation to provide personal injury protection benefits under the policy to FCPA for treatment of injuries alleged to result from the June 17, 2020 accident; (8) there is no obligation to provide personal injury protection benefits under the policy to MCFR for treatment of injuries alleged to result from the June 17, 2020 accident; (9) there is no obligation to provide collision coverage benefits under the policy to American Financial for damages related to the June 17, 2020 accident; (10) there is no obligation under the policy to afford bodily injury liability insurance benefits to Christian Rivera for damages related to the June 17, 2020 accident; (11) there is no obligation under the policy to afford property damage liability insurance benefits to Christian Rivera for damages related to the June 17, 2020 accident; and (12) minors, J.M.A., A.C., and M.C. are excluded from any bodily injury liability insurance benefits under the policy for the June 17, 2020 accident.

3. Peak Property's Motion for Summary Judgment (Dkt. 36) is denied as moot.
4. The Clerk is directed to close this case.

DONE and **ORDERED** in Tampa, Florida, this 2nd day of December, 2021.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies Furnished To:
Counsel/Parties of Record